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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,602	10/10/2003	Curt M. Chandler	51578	1006

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EXAMINER	
MARIAM, DANIEL G	
ART UNIT	**PAPER NUMBER**
2624	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary	**Application No.** 10/683,602	**Applicant(s)** CHANDLER ET AL.
	Examiner DANIEL G. MARIAM	**Art Unit** 2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-59 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-59 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 1/15/2004.	6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jerbi, et al (2004/0132490) in view of Brosnan (6,977,645).

With regard to claim 1, Jerbi, et al (hereinafter "Jerbi") discloses an electronic device, mobile communication terminal (See Fig. 1), comprising: a housing (See item 1, in Fig. 1); a display carried by said housing (See item 3, in Fig. 1); a Fingerprint sensor, i.e., biometric and/or fingerprint, carried by said housing (See item 4, in Fig. 1) and a processor, i.e., biometric and/or fingerprint sensor, for generating a plurality of menu items on said display, and for scrolling, i.e., browsing/scrolling, an indicator along the menu items based upon static placement of a finger adjacent a selected portion of said fingerprint sensor (See for example, paragraph 0014-0015; and Figs 1-2). Although Jerbi, et al does not expressly call for an indicator along the menu items, it would have been obvious if not inherent that such a feature is required to browse through the various menu items in a particular direction so as to access or select the desired menu item. Nonetheless, this feature is extremely well known as evidenced by Brosnan (See for example, item 16, in Fig. 1). Jerbi and Brosnan are combinable because they are from the same field of endeavor, i.e., performing menu selection by sensing the orientation of a finger using a finger sensor (See for example, Fig. 1). It would have been obvious to combine Brosnan with Jerbi. The motivation for doing do is for no other reason than to have a well known indicator, such as a highlight bar, and to do so would at least enhance the selection process by moving the bar in a particular direction (upward or downward) of the menu items and selecting a desired item by highlighting it (See col. 4, line 44-54). Therefore, it would have been obvious to combine Brosnan with Jerbi to obtain the invention as specified by claim 1.

With regard to claim 2, an electronic device according to claim 1 wherein said fingerprint sensor comprises a fingerprint sensing area having a polygonal shape defining a plurality of spaced apart corner portions; and wherein said processor scrolls the indicator in a direction corresponding to a pointing direction of a respective corner portion (See item 4, in Fig. 1; and paragraph 17 of Jerbi).

With regard to claim 6, an electronic device according to claim 1 wherein said processor cooperates with said fingerprint sensor to first verify an identity of a user based upon sensing a fingerprint prior to permitting scrolling (See for example, paragraph 0013 of Jerbi).

With regard to claim 7, an electronic device according to claim 6 further comprising a memory for storing at least one authorized fingerprint, and wherein said processor verifies the fingerprint of the user by comparing the fingerprint of the user to the at least one authorized fingerprint stored, i.e., registered, in the memory (See for example, paragraph 0004; and paragraph 0013 of Jerbi).

With regard to claim 8, an electronic device according to claim 6 wherein said processor enables scrolling within a predetermined time window of verifying the identity of the user (which reads on paragraphs 0005 and 0017 of Jerbi).

With regard to claim 9, an electronic device according to claim 1 wherein said processor is switchable to a lower power operating mode, i.e., standby mode, when a user's finger is not sensed on said fingerprint sensor (See paragraph 0014 of Jerbi).

With regard to claim 10, an electronic device according to claim 1 wherein said fingerprint sensor comprises a plurality of fingerprint sensing elements; and wherein said processor determines static placement based upon a pattern of fingerprint sensing elements less than a full number of fingerprint sensing elements (which reads on Fig. 2 and its associated text of Brosnan).

With regard to claim 11, an electronic device according to claim 10 further comprising logic circuitry between said processor and said sensing elements (item 4, in Fig. 1 or 2 of Jerbi. Please note, without a logic circuit, the system of Jerbi would not be able to identify or know the orientation of the finger, and perform a particular action based on the orientation).

With regard to claim 12, an electronic device according to claim 1 wherein the plurality of menu items comprises at least one further menu comprising a different plurality of menu items, i.e., complex menu structures (See paragraph 0017 of Jerbi; and col. 5, lines 6-10 of Brosnan).

With regard to claim 13, an electronic device according to claim 1 wherein the plurality of menu items comprises a back item and a forward item (See paragraph 0017 of Jerbi).

With regard to claim 16, an electronic device according to claim 1 wherein said housing comprises a handheld housing (See Fig. 1 of Jerbi).

With regard to claim 17, an electronic device according to claim 1 further comprising a power supply carried by said housing and connected to said display, fingerprint sensor, and processor (although not mentioned (but shown as a circular shape on the top portion of the mobile terminal of Fig. 1) this feature is inherent within the system shown in Fig. 1 of Jerbi because when the system is not in a standby mode, power has to be supplied to the system when a finger is in contact with the sensor. Additionally, Brosnan, See item 12, in Fig. 1 teaches this feature).

With regard to claim 18, an electronic device according to claim 1 further comprising circuitry connected to said processor so that the electronic device comprises at least one of a portable telephone, a pager, a laptop computer, and a personal digital assistant (PDA) (See paragraph 0021 of Jerbi).

With regard to claim 19, claim 1 encompasses most of the limitation of this claim, and is rejected the same as claim 1. Thus argument analogous to hat presented above for claim 1 is not repeated herein, but is incorporated by reference. Claim 19 distinguishes from claim 1 only in that it recites the fingerprint sensing area having a diamond shape and scrolling the indicator along the at least one column of menu items. Jerbi, et al further discloses scrolling along the alt least one column, i.e., upward or downward, of menu items (See paragraph 0017, lines 4-6). The fingerprint sensing area of Jerbi, et al is rectangular in shape and does define a plurality of spaced apart corner portions, i.e., four corners (See item 4, in Fig. 1 or 2), and the area does not have a diamond shape. It would have been obvious matter of design choice to modify the rectangular shape fingerprint sensing area of Jerbi by having a diamond shape, since applicants have not disclosed that having a diamond shape solves any stated problem (in fact applicants' own disclosure states: "The polygonal shape of the fingerprint sensing area 32 is illustratively a diamond, but may be any other shape, as understood by those skilled in the art." (See paragraph

0029)) and it appears that the fingerprint sensing area would perform equally well with the sensing area having a rectangular shape.

Claim 3 is rejected the same as claim 19. Thus, argument analogous to that presented above for claim 19 is applicable to claim 3.

With regard to claim 4, an electronic device according to claim 3 wherein the plurality of menu items are arranged in a single column, upward; and wherein the plurality of spaced apart corner portions are defined by an upper corner portion for scrolling the indicator in an upward direction through the menu items, i.e., finger pointing upward, a downward corner portion for scrolling the indicator in a downward direction through the menu items i.e., finger pointing downward, a first-side corner portion for selecting a menu item, i.e., pointing the finger to the right, and a second-side corner portion for returning to a previous menu i.e., pointing the finger to the left (See for example, paragraph 0017 of Jerbi).

Claims 20, 22, 23, 24, 25, 26, 27, 28, and 31 are rejected the same as claims 3, 6, 7, 8, 9, 10, 12, 13, and 18 respectively. Thus, arguments analogous to those presented above for claims 3, 6, 7, 8, 9, 10, 12, 13, and 18 are respectively applicable to claims 20, 22, 23, 24, 25, 26, 27, 28, and 31.

Claim 32 is rejected the same as claim 19. Thus, argument similar to that presented above for claim 19 is applicable to claim 32. Claim 32 distinguishes from claim 19 only in that it recites a plurality of columns; and said spaced apart corner portions of said fingerprint sensor defined by an upper corner portion for scrolling the indicator in an upward direction through the menu items, a downward corner portion for scrolling the indicator in a downward direction through the menu items, a first-side corner portion for scrolling the indicator in a direction towards a first side of said display through the menu items, and a second-side corner portion for scrolling the indicator in a direction towards a second side of said display through the menu items. However, these features are taught by Jerbi (as modified by Brosnan). For example, given the broadest reasonable interpretation, Jerbi navigates through complex menu structures (which reads on plurality of columns) (See paragraph 0017); and Brosnan at col. 5, lines 9-10 states: "the technique described herein can be adapted to any type of menu system", and Jerbi further discloses the spaced apart corner portions of said fingerprint sensor defined by an upper corner portion for scrolling the indicator in an upward, i.e., finger pointing upward, direction through the menu items, a downward corner portion for scrolling the indicator in a downward, i.e., finger pointing downward, direction through the menu items, a first-side corner portion for scrolling the indicator in a direction towards a first side, i.e., pointing the finger to the right or left, of said display through the menu items, and a second-side corner portion for scrolling the indicator in a direction towards a second side, i.e., pointing the finger to the left/right, of said display through the menu items (See for example, paragraph 0017)..

Claim 5 is rejected the same as claim 32. Thus, argument analogous to that presented above for claim 32 is applicable to claim 5.

Claims 21, 33, 34, 35, 36, 37, 38, 39, 40 and 43 are rejected the same as claims 5, 1, 6, 7, 8, 9, 10, 12, 13 and 18 respectively. Thus, argument similar to those presented above for claims 5, 1, 6, 7, 8, 9, 10, 12, 13 and 18 are respectively applicable to claims 21, 33, 34, 35, 36, 37, 38, 39, 40 and 43.

With regard to claim 44, claim 19 encompasses the limitation of this claim, and is rejected the same as claim 19. Thus, argument similar to that presented above for claim 19 is applicable to claim 44. Claim 44 distinguishes from claim 19 only in that it recites the limitation selecting a menu item based upon a tapping of the fingerprint sensing area as determined by sensing finger placement over a plurality of corner portions (See for example, col. 4, line 60 - col. 5, line 5 of Brosnan. Also, applicants' attention is invited to paragraph 18 of Jerbi).

Claim 14 is rejected the same as claim 44. Thus, argument analogous to that presented above for claim 44 is applicable to claim 14.

Claim 15 is rejected the same as claims 2 and 14. Thus, argument analogous to those presented above for claims 2 and 14 are applicable to claim 15.

With regard to claim 49, claim 1 encompasses the limitation of this claim, and is rejected the same as claim 1. Thus, argument analogous to that presented above for claim 1 is applicable to claim 49.

Claims (29,41), (30,42), 45, 46, 47, 48, 50, and 51 are rejected the same as claims 14, 15, 6, 7, 9, 18, 2 and 3 respectively. Thus, argument analogous to those presented above for claims 14, 15, 6, 7, 9, 18, 2 and 3 are respectively applicable to claims (29,41), (30,42), 45, 46, 47, 48, 50, and 51.

Claims 52, 53, 54, 55, 56, 57, 58 and 59 are rejected the same as claims 4, 5, 6, 7, 8, 9, 10 and 14 respectively. Thus arguments analogous to those presented above for claims 4, 5, 6, 7, 8, 9, 10 and 14 are respectively applicable to claims 52, 53, 54, 55, 56, 57, 58 and 59.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Numbers: 7162059 and 7129926.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DANIEL G MARIAM
Primary Examiner
Art Unit 2624

February 19, 2007